



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
CALIFORNIA DIVISION
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Mr. Jeff Morales, Director
California Department of Transportation
1120 N Street
Sacramento, California 95814

Attention: Federal Resources Branch, Room 3500
For Rambabu Bavirisetty, Division of Transportation Programming

Dear Mr. Morales:

SUBJECT: SANDAG 2000/01-2002/03 FTIP/FSTIP AMENDMENT NO. 10

We have completed our review of Amendment No. 10 to the San Diego Association of Governments (SANDAG) 2000/01-2002/03 Regional Transportation Improvement Program (RTIP) that was submitted by your letter dated October 26, 2001. The SANDAG Board of Directors adopted Resolution No. 2002-10 on September 28, 2001, approving these program modifications and reaffirming the conformity of the transportation improvement program with the Regional Air Quality Strategy and the State Implementation Plan (SIP) for air quality. This amendment adds, deletes, and/or modifies project information in the Federal transportation improvement program for the local highway, state highway, and transit elements in San Diego County.

With the exception of the programming modifications for the proposed construction of a new 4-lane freeway for the middle section of State Route 56 (MPO ID: CAL28), we accept these program modifications in accordance with the Federal Statewide and Metropolitan Transportation Planning Regulations and find that SANDAG's RTIP Amendment No. 10 was developed through a continuing, cooperative and comprehensive transportation planning process in accord with the provisions of 23 USC 134 and the Federal Transit Act (49 USC 53).

We offer the following comments based on our review of the submitted FSTIP Amendment for the San Diego region:

MPO ID CAL57 – LOSSAN Corridor Rail Upgrade Project

According to the comments provided in CTIPS by SANDAG, this new FTIP/FSTIP project consists of activities related to the environmental analysis for a proposed rail upgrade project in the LOSSAN Corridor. We note that SANDAG has indicated in the CTIPS database that this new FTIP/FSTIP project listing is for "specific activities that do not involve or lead directly to construction." While we agree that the FTIP programming of the studies

necessary to assess the environmental effects of the proposed rail corridor improvements are exempt from the requirements that a regional air quality conformity analysis be performed and conformity determination made, we believe the appropriate Table 2 exempt project type category from the Conformity Rule for this phase of the project is, "Other - Engineering to assess social, economic, and environmental effects of the proposed action or alternatives to that action." In conjunction with the next administrative or formal FTIP/FSTIP amendment by SANDAG, we recommend that the CTIPS "Conformity Information" data be updated to reflect the most appropriate exempt project classification.

We also note from our review of the program data that funds for this new project are proposed for obligation in a previous program year, specifically 2000/2001. We want to take this opportunity to again remind both SANDAG and Caltrans that, pursuant to the federal programming regulations (e.g., 23 CFR 450.324(g)(3) and 23 CFR 450.218(a)(8)(iii)), the FTIP and FSTIP shall include, "the amount of Federal funds proposed to be obligated during each program year." Because SANDAG adopted these program modifications very late in the 2000/2001 Program year, there was little likelihood that FSTIP programming approval would occur, and project funds obligated, in the same 2000/2001 program year. In conjunction with the next administrative or formal FTIP/FSTIP amendment by SANDAG, we recommend that the project funding information in the CTIPS database be modified to accurately reflect the programming of federal funds in the year they are proposed for obligation (e.g., in either the second or third year of the adopted FTIP and FSTIP).

MPO ID PR01 – Recreational Trails Program

Our review noted that the grouped project classification proposed by SANDAG for the Recreation Trails Program projects is not consistent with those classifications authorized pursuant to sections 450.324 or 450.218 of the metropolitan planning regulations (e.g., exempt project classifications provided in Tables 2 or 3 of 40 CFR part 93).

We request that SANDAG and Caltrans limit the use of lump sum programming categories, or the "grouping" of projects, to those categories of projects that are consistent with authorized grouped project classifications provided in 40 CFR part 93.

Pursuant to the provisions of 23 CFR 450.324(i):

- FTIP projects proposed for FHWA and/or FTA funding that are not considered by the State and SANDAG to be of appropriate scale for individual identification in a given program year may be grouped by function, geographic area, and work type..."
- In nonattainment and maintenance areas, classifications must be consistent with the exempt project classifications contained in the U.S. EPA conformity requirements (40 CFR part 93)."

Similar regulations pertaining to the FSTIP, and codified in 23 CFR 450.218(b), state:

- “Projects that are not considered to be of appropriate scale for individual identification in a given program year may be grouped by function, work type, and/or geographic area *using the applicable classifications under...40 CFR parts 51 and 93.*”

Pursuant to FHWA’s August 1999 “Interim Recreational Trails Program Guidance,” certain categories of projects funded through the Recreational Trails Program may be exempt from air quality conformity requirements if they do not involve new construction or are only for non-motorized use. However, other Recreational Trails Program projects, particularly those project-related activities involving new construction, may be subject to the air quality conformity rule. FHWA’s guidance concerning the Recreational Trail Program cites specific examples of project-related activities that may be subject to the air quality conformity rule. FHWA’s interim program guidance is available at <http://www.fhwa.dot.gov/environment/guidance.htm>.

We recommend that SANDAG and Caltrans review the available classifications provided in 40 CFR parts 51 and 93 to determine which category, if any, adequately encompasses the proposed Recreation Trails Program projects. Possible suitable categories may include “Bicycle and pedestrian facilities” and “Transportation enhancement activities.”

We also encourage SANDAG to use the CTIPS database (comment field and/or project description field) to identify the applicable Recreational Trails Program eligibility category, consistent with the Recreational Trails Program legislation (23 USC 206) and the Interim Recreational Trails Program Guidance. In those cases where projects are funded under Recreational Trails Categories B, D or E, as defined in the authorizing statute, we recommend that SANDAG provide sufficient additional information in the CTIPS database (comment field or project description field) to allow the reviewing federal agencies to determine if the proposed activities are exempt for air quality conformity requirements (i.e. whether motorized use is permitted for projects funded under categories D or E, whether the category B or E project provides for the development of a major parking facility at a trailhead, etc.).

MPO ID CAL28 – State Route 56 (Middle)

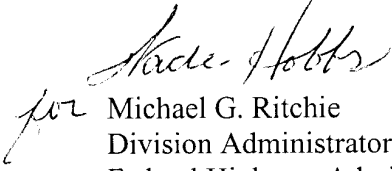
Based on our discussions regarding this project with Mr. Jeff Lewis, FHWA’s transportation engineer assigned to the San Diego geographic area, we have concluded that we are unable to approve the programming for this project as proposed by SANDAG in Amendment No. 10 to the 2000/2001 FTIP/FSTIP. Mr. Lewis advises us that this project has been under development with the understanding that no FHWA program funds would be used for project studies or implementation. We also understand that the environmental studies and analysis for the proposed project fulfill State CEQA requirements but not Federal NEPA requirements. Under the provisions of 23 CFR 771, project level NEPA environmental clearance is a required prerequisite for the use of FHWA program funds for project implementation.

We also note, based on our review of the funding information provided in the FTIP/FSTIP Amendment for this project, that SANDAG and Caltrans are proposing to obligate \$47.6 million of FHWA administered STP funds in 2000/2002 based on their eligibility for use in implementing highway safety infrastructure improvements and programs. It is unclear from the programming information provided whether the construction of this new 4-lane freeway is a safety infrastructure improvement eligible for the increased federal share of STP funding that is permitted for safety improvements. In the event SANDAG and Caltrans are proposing federal funding for this project, and specifically an increased federal share for STP funded safety improvements, the basis for the increased federal share for safety improvements should be included as part of the project description.

This letter constitutes joint Federal Highway Administration and Federal Transit Administration approval for inclusion of SANDAG Amendment No. 10, excluding the State Route 56 (Middle) project, into California's 2000/01-2002/03 FSTIP. We find that the changes made to the SANDAG FTIP and California's FSTIP by this amendment are exempt from the requirement that a regional conformity finding be made. This finding has been coordinated with the Regional office of the U.S. Environmental Protection Agency.

Sincerely,


 Leslie T. Rogers
 Regional Administrator
 Federal Transit Administration


 for Michael G. Ritchie
 Division Administrator
 Federal Highway Administration

cc:

EPA Region IX, Karina O'Conner

SANDAG FTIP Binder

SANDAG, Sookyung Kim

Caltrans:

Federal Resources Branch, Dick Petrie

HQ Transportation Programming, Rambabu Bavirisetty (FAX: 916-654 2983)

Office of Local Programs, Terry Abbott